

JUN 04 2002 IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kirk Johnson

Application No.: 09/824,527 Group Art Unit: 2152  
Filed: April 2, 2001 Examiner: Not yet assigned.

Title: Method and Apparatus for a Minimalist Approach to Implementing Server Selection

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Assistant Commissioner for Patents, P.O. Box 2327, Arlington, VA 22202

on 5/30/02 J. Simen  
Date Signature

Judith Simen  
Typed or printed name of person signing certificate

INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents  
P.O. Box 2327  
Arlington, VA 22202

Sir:

This Information Disclosure Statement is submitted:

under 37 CFR 1.129(a), or  
(First/Second submission after Final Rejection)

under 37 CFR 1.97(b), or

(Within any one of the following time periods: three months of filing national application (other than a CPA) or date of entry of the national stage in an international application; or before the mailing date of a first office action on the merits in a non-provisional application, including a CPA, or a Request for Continued Examination).

under 37 CFR 1.97(c) together with either:

a Statement under 37 CFR 1.97(e), as checked below, or

a \$180.00 fee under 37 CFR 1.17(p), or

(After the 37 CFR 1.97(b) time period, but before final action or notice of allowance, whichever occurs first)

under 37 CFR 1.97(d) together with:

a Statement under 37 CFR 1.97(e), as checked below, and

a \$180.00 fee under 37 CFR 1.17(p), or

(Filed after final action or notice of allowance, whichever occurs first, but on or before payment of the issue fee)

under 37 CFR 1.97(i):

Applicant requests that the IDS and cited reference(s) be placed in the application filewrapper.  
(Filed after payment of issue fee)

Statement Under 37 CFR 1.97(e)

- [ ] Each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement; or
- [ ] No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned, after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

Statement Under 37 CFR 1.704(d) (Patent Term Adjustment)

Applies to original applications (other than design) filed on or after May 29, 2000

- [ ] Each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.

[X] Enclosed herewith is form PTO-1449:

- [X] Copies of the cited references are enclosed.
- [ ] Copies of cited references are enclosed except those entered in prior application, U.S. Application No. [ ], to which priority under 35 U.S.C. 120 is claimed. [The earlier application contains copies of the cited references.]
- [ ] The listed references were cited in the enclosed International Search Report in a counterpart foreign application.
- [ ] The "concise explanation" requirement (non-English references) for reference(s) [ ] under 37 CFR 1.98(a)(3) is satisfied by:
  - [ ] the explanation provided on the attached sheet.
  - [ ] the explanation provided in the Specification.
  - [ ] submission of the enclosed International Search Report.
  - [ ] submission of the enclosed English-language version of a foreign Search Report and/or foreign Office Action.
  - [ ] the enclosed English language abstract.

[X] Applicant requests that the following non-published pending applications be considered:

Examiner's  
Initials

— U.S. Patent Application No. 09/294,837, filed April 19, 1999, entitled "Dynamic Server Organization" (Copy not available).

— U.S. Application No. 09/535,279, by Gang Lu *et al.*, filed March 24, 2000, entitled "Method and Apparatus for Automatic Network Address Assignment" (Attorney's Docket No. 2762.2001-002).

— U.S. Application No. 09/824,553, by Kirk Johnson *et al.*, filed April 2, 2001, entitled "Method and Apparatus for Determining a Network Topology in the Presence of Network Address Translation" (Attorney's Docket No. 2762.2002-002).

— U.S. Application No. 09/642,165, by Liskov *et al.*, filed August 18, 2000, entitled "Content Server Selection for Accessing Content in a Distribution Network" (Attorney's Docket No. 2762.2007-000).

— U.S. Application No. 09/642,143, by Day *et al.*, filed August 18, 2000, entitled "Remote Identification of Client and DNS Proxy IP Address" (Attorney's Docket No. 2762.2008-000).

Examiner \_\_\_\_\_

Date \_\_\_\_\_

[X] A copy of the 2<sup>nd</sup> - 5<sup>th</sup> above-cited applications, including the current claims, are enclosed.

[ ] A copy of each above-cited application, including the current claims, is enclosed, except those entered in prior application, U.S. Application No. [ ], to which priority under 35 U.S.C. 120 is claimed.

The Examiner is requested to return a copy of the above list of pending applications indicating which references were considered with the next office communication.

It is requested that the information disclosed herein be made of record in this application.

Method of payment:

[ ] A check for the fee noted above is enclosed, or the fee has been included in the check with the accompanying Reply. A copy of this Statement is enclosed.

[ ] Please charge Deposit Account 08-0380 in the amount of \$[ ]. A copy of this Statement is enclosed.

[X] Please charge any deficiency in fees and credit any overpayment to Deposit Account 08-0380.

Respectfully submitted,

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Dated: 5/30/2

PTO-1449 REPRODUCED		ATTORNEY DOCKET NO. 2762.2006-002	APPLICATION NO. 09/824,527
INFORMATION DISCLOSURE CITATION IN AN APPLICATION		APPLICANT Kirk Johnson	GROUP 2152
May 30, 2002 (Use several sheets if necessary)		FILING DATE April 2, 2001	
U.S. PATENT DOCUMENTS			



RECEIVED  
JUN 07 2002

Technology Center 2100

EXAM- INER INI- TIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE IF APPROPRIATE
	AA	6,345,294	05 FEB 02	O'Toole et al.	709	222	
	AB	6,052,718	04 APR 00	Gifford	709	219	
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						

#### FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION YES      NO
	AL	WO 99/40514	12/8/99	PCT			
	AM						
	AN						
	AO						
	AP						
	AQ						

#### OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

AR	Amir, Yair et al., "Seamlessly selecting the best copy from Internet-wide replicated web servers" The 12 <sup>th</sup> International Symposium on Distributed Computing, (DISC'98), 22-23, September 1998.
AS	Amir and Shaw, "WALRUS- a Low Latency, High Throughput Web Service Using Internet-wide Replication," In Proceedings of the 19 <sup>th</sup> IEEE Workshop on Electronic Commerce and Web-Based Applications, pp. 31-40, Austin, May 1999, <a href="http://www.cnds.jhu.edu/publications/">http://www.cnds.jhu.edu/publications/</a> 5/16/02.
AT	Bakker, A., et al. "The Globe Distribution Network," Proc. 2000 USENIX Annual Conf. (FREENIX Track), San Diego, pp. 141-152, June 18-23, 2000, <a href="http://www.cs.vu.nl/globe/publications.html">http://www.cs.vu.nl/globe/publications.html</a> 5/16/02.

EXAMINER	DATE CONSIDERED
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PTO-1449 REPRODUCED			ATTORNEY DOCKET NO. 2762.2006-002		APPLICATION NO. 09/824,527		
INFORMATION DISCLOSURE CITATION IN AN APPLICATION			APPLICANT Kirk Johnson		RECEIVED JUN 07 2002 Technology Center 2100		
May 30, 2002 (Use several sheets if necessary)			JUN 04 2002		FILING DATE April 2, 2001 GROUP 2152		
U.S. PATENT DOCUMENTS							
EXAM- INER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE IF APPROPRIATE
FOREIGN PATENT DOCUMENTS							
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION YES      NO
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)							
AU	Carter, R.L. and Crovello, M.E., "Dynamic Server Selection using Bandwidth Probing in Wide-Area Networks," BU-CS-96-007, March 18, 1996, <a href="http://citeseer.nj.nec.com/carter96dynamic.html">http://citeseer.nj.nec.com/carter96dynamic.html</a> 5/16/02.						
AV	Francis, Paul. "VOID: Extending the Internet Multicast Architecture," [online] <a href="http://www.icir.org/yoid/docs/ycHtmlL/htmlRoot.html">http://www.icir.org/yoid/docs/ycHtmlL/htmlRoot.html</a> 5/21/02.						
AW	Guyton, James D. and Schwartz, Michael F., "Locating Nearby Copies of Replicated Internet Servers" Computer Communications Review 25(4): 288-98 (1995).						
AX	Karger, D.R. et al., "Consistent hashing and random trees: Distributed caching protocols for relieving hot spots on the world wide web" Proc. 29 <sup>th</sup> ACM Symposium on Theory of Computing, 654-662, May 1997.						
AY	Leach, Paul J., "Selecting a server from among many replicas," Internet Draft, [online] ASID working group, 2/23/1997, <a href="http://www.watersprings.org/pub/id/draft-ietf-asid-replica-selection-00.txt">http://www.watersprings.org/pub/id/draft-ietf-asid-replica-selection-00.txt</a> 5/21/02.						
AZ	Sayal, M., et al. Selection Algorithms for Replicated Web Servers, [online] <a href="http://www.cs.wisc.edu/~cao/WISP98/html-versions/mehmet&gt;SelectWeb1.html">www.cs.wisc.edu/~cao/WISP98/html-versions/mehmet&gt;SelectWeb1.html</a> 5/16/02.						
EXAMINER				DATE CONSIDERED			